

**BOARD OF PSYCHOLOGY**

1422 HOWE AVENUE, SUITE 22
SACRAMENTO, CA 95825-3200
(916) 263-2699
www.psychboard.ca.gov



April 18, 2005

Tracy Joan Covington, Ph.D.
511 Brookside Avenue
Redlands, CA 92373

RE: Psychology's License No. PSY 11392
Case Number W247

PUBLIC LETTER OF REPRIMAND

During a period in 2000, you engaged in an inappropriate dual relationship with a patient by involving the patient in your Amway business. Said conduct constitutes unprofessional conduct within the meaning of Business and Professions Code section 2960.

Pursuant to the authority contained in California Business and Professions Code section 495, you are hereby issued a Public Letter of Reprimand.

A handwritten signature in cursive script that reads 'Thomas O'Connor'.

Thomas O'Connor
Executive Officer

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3 **DECISION AND ORDER**
4 **OF THE**
5 **BOARD OF PSYCHOLOGY**

6 **DEPARTMENT OF CONSUMER AFFAIRS**
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8 The attached Stipulated Settlement and Disciplinary Order in case number W247, is
9 hereby adopted as the Decision and Order of the Board of Psychology, Department of Consumer
10 Affairs. An effective date of June 25, 2004 has been assigned to this
11 Decision and Order.
12

13 Made this 26th day of May, 2004.
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16 Jacqueline Horn, Ph.D.
17 Jacqueline Horn, Ph.D.
18 President, Board of Psychology
19 Department of Consumer Affairs
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22
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25

1 BILL LOCKYER, Attorney General
of the State of California
2 SAMUEL K. HAMMOND, State Bar No. 141135
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, California 92101
5 P.O. Box 85266
San Diego, California 92186-5266
6 Telephone: (619) 645-3039
Facsimile: (619) 645-2061

7 Attorneys for Complainant
8
9

10 **BEFORE THE**
11 **BOARD OF PSYCHOLOGY**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. W247

15 **TRACY JOAN COVINGTON, PH.D.**
16 511 Brookside Avenue
Redlands, CA 92373

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER***

17 Psychologist's Licence No. 11392

18 Respondent

19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
20 the above-entitled proceedings that the following matters are true:

21 1. Accusation No. W247 was filed with the California Board of Psychology,
22 Department of Consumer Affairs (the "Board"), on January 16, 2003, and is currently pending
23 against Tracy Joan Covington, Ph.D. (the "Respondent").

24 2. The Accusation, together with all statutorily required documents, was
25 duly served on the Respondent on or about January 16, 2003, and Respondent has filed a Notice
26 of Defense contesting the Accusation. A copy of the Accusation is attached as Exhibit "A" and
27 hereby incorporated by reference as if fully set forth.

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1 3. Complainant, Thomas O'Connor is the Executive Officer of the Board of
2 Psychology and brought this action solely in his official capacity. The Complainant is
3 represented by the Attorney General of California, Bill Lockyer, by and through Deputy Attorney
4 General Samuel K. Hammond.

5 4. At all times relevant herein, Respondent has been licensed by the Board
6 under Psychologist's License No. 11392. There is no record of a previous disciplinary action
7 against Respondent's psychologist's license.

8 5. Respondent is represented by O. Brandt Caudill, Esq., Law Offices of
9 Callahan, McCune & Willis, 111 Fashion Lane, Tustin, CA 92780.

10 6. The Board and Respondent are desirous of resolving this matter without a
11 hearing or further administrative proceedings, and without incurring further expenses.

12 7. Respondent understands the nature of the charges alleged in the
13 Accusation and that, if proven at hearing, the charges and allegations would constitute cause for
14 imposing discipline upon her psychologist's license. Respondent is fully aware of her right to a
15 hearing on the charges contained in the Accusation, her right to confront and cross-examine
16 witnesses against her, her right to the use of subpoenas to compel the attendance of witnesses and
17 the production of documents in both defense and mitigation of the charges, her right to
18 reconsideration, court review and any and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 8. Respondent knowingly, voluntarily and irrevocably waives and gives up
21 each of these rights, and agrees that her request for a hearing be withdrawn, and that this matter
22 be resolved in accordance with the following agreement.

23 9. The admissions made by Respondent herein are for the purpose of this
24 proceeding and any other proceedings in which the Board or other professional licensing agency
25 is involved, and shall not be admissible in any other criminal or civil proceedings. Parties agree
26 that facsimile copies of this stipulation in settlement, including signatures of the parties, may be
27 used in lieu of the original documents and signatures. The facsimile copies have the same force
28 and effect as the originals.

1 10. This Stipulated Settlement and Disciplinary Order is intended by the
2 parties herein to be an integrated writing representing the complete, final and exclusive
3 embodiment of the agreements of the parties.

4 **AGREEMENT**

5 11. In lieu of continuing with the proceedings on the Accusation, the parties
6 agree that, in settlement and resolution of this matter, Respondent shall do the following:

7 **A. ETHICS COURSE:**

8 Within 90 days of the effective date of this Decision, Respondent shall submit to
9 the Board or its designee for prior approval a course in laws and ethics as they relate to the
10 practice of psychology. Said course must be successfully completed at an accredited educational
11 institution or through a provider approved by the Board's accreditation agency for continuing
12 education credit. Said course must be taken and completed within one year from the effective
13 date of this Decision. This course must be in addition to any continuing education courses that
14 may be required for license renewal. The cost associated with the law and ethics course shall be
15 paid by the Respondent.

16 **B. COURSEWORK:**

17 Respondent shall take and successfully complete not less than 20 hours
18 coursework in the area of dual relationships. The coursework must be pre-approved by the
19 Board or its designee. The coursework shall be taken at the graduate level at an accredited
20 institution or by an approved continuing education provider. Classroom attendance is
21 specifically required; correspondence or home study coursework shall not count toward meeting
22 this requirement. The coursework shall be completed within one year of the effective date of this
23 Decision. The coursework must be in addition to any continuing education courses required for
24 license renewal.

25 Within 90 days of the effective date of the Decision. Respondent shall submit to
26 the Board or its designee for its prior approval a plan meeting the educational requirements. All
27 costs associated with the coursework shall be paid by the Respondent.

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C. **COST RECOVERY:** Respondent shall reimburse the Board the amount of two thousand (\$2,000) for its investigative and prosecution costs. The costs may be paid by installment provided, however, that the entire amount shall be paid within six months of the effective date of this Decision. Failure to reimburse the Board's costs shall constitute a violation of this agreement, unless the Board agrees in writing to payment by an installment plan because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of her responsibility to reimburse the Division for its costs.

12. If Respondent successfully completes the ethics course, the additional coursework and reimburses the Board its costs of investigation and prosecution as outlined in paragraph 11, above, the Board agrees to cause to be issued forthwith a Public Letter of Reprimand in the form contained in Exhibit "B" attached.

13. Failure to comply with the terms outlined in paragraph 11 constitutes unprofessional conduct and a violation of the Business and Professions Code section 2960, and if Respondent fails to comply with any of the terms of paragraph 11, the pending Accusation shall be amended to allege said failure to comply as a basis for further discipline, and the pending Accusation shall be returned to the calendar of the Office of Administrative Hearings for a hearing on an expedited basis.

CONTINGENCY

This stipulation shall be subject to the approval of the California Board of Psychology. Respondent understands and agrees that Board staff and counsel for complainant may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by respondent or his counsel. If the Board fails to adopt this stipulation as its Order, the stipulation shall be of no force or effect, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action in this matter by virtue of its consideration of this stipulation.

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ACCEPTANCE

I have read the above Stipulated Settlement and Disciplinary Order. I have fully discussed the terms and conditions and other matters contained in therein with my attorney, O. Brandt Caudill, Esq. I understand the effect this Stipulated Settlement and Disciplinary Order will have on my psychologist's license, and agree to be bound thereby. I enter this stipulation freely, knowingly, intelligently and voluntarily.

DATED: 03-24-2004.


TRACY JOAN COVINGTON, Ph. D.
RESPONDENT

I have read and fully discussed with respondent Tracy Joan Covington, Ph.D., the terms and conditions and other matters contained in the Stipulated Settlement and Disciplinary order.

DATED: _____

O. BRANDT CAUDILL, ESQ.

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1 ACCEPTANCE

2 I have read the above Stipulated Settlement and Disciplinary Order. I have fully
3 discussed the terms and conditions and other matters contained in therein with my attorney, O.
4 Brandt Caudill, Esq. I understand the effect this Stipulated Settlement and Disciplinary Order
5 will have on my psychologist's license, and agree to be bound thereby. I enter this stipulation
6 freely, knowingly, intelligently and voluntarily.

7
8 DATED: _____
9

10 TRACY JOAN COVINGTON, Ph. D.
11 RESPONDENT
12

13
14 I have read and fully discussed with respondent Tracy Joan Covington, Ph.D., the
15 terms and conditions and other matters contained in the Stipulated Settlement and Disciplinary
16 order.
17

18 DATED: 3/23/04
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20 O. Brandt Caudill
21 O. BRANDT CAUDILL, ESQ.
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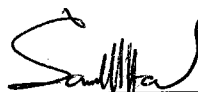
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1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for the consideration of the California Board of Psychology, Department of Consumer
4 Affairs.

5
6 DATED: March 29, 2004

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8 BILL LOCKYER, Attorney General
of the State of California

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10 
11 SAMUEL K. HAMMOND
Deputy Attorney General

12 Attorneys for Complainant

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15 Exhibits: Accusation;
Form Public Letter of Reprimand

EXHIBIT A

1 BILL LOCKYER, Attorney General
of the State of California
2 SAMUEL K. HAMMOND, State Bar No. 141135
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101
5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2083
Facsimile: (619) 645-2061

7 Attorneys for Complainant
8

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO
BY *M. J. [signature]* January 16, 2003
ANALYST

9
10 **BEFORE THE**
BOARD OF PSYCHOLOGY
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. W247

13 TRACY JOAN COVINGTON, Ph.D.
511 Brookside Avenue
14 Redlands, CA 92373

A C C U S A T I O N

15 Psychologist's License No. PSY 11392

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Thomas S. O'Connor (Complainant) brings this Accusation solely in his
21 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer
22 Affairs.

23 2. On or about March 1, 1990, the Board of Psychology issued Psychologist's
24 License No. PSY 11392 to Tracy Joan Covington (Respondent). Said license was in full force
25 and effect at all times relevant to the charges brought herein and will expire on June 30, 2003,
26 unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Psychology (Board), Department of Consumer Affairs, under the authority of the below mentioned statutes and regulations.¹

4. Section 2960 of the Code states:

The board may refuse to issue any registration or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

“....

(j) Being grossly negligent in the practice of his or her profession.

“....

(r) Repeated acts of negligence.”

5. Section 2964.6 of the Code states:

An administrative disciplinary decision that imposes terms of probation may include, among other things, a requirement that the licensee who is being placed on probation pay the monetary costs associated with monitoring the probation.

6. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1. All statutory references are to the Business and Professions Code (Code) unless otherwise indicated.

1 FIRST CAUSE FOR DISCIPLINE

2 (Gross Negligence)

3 7. Respondent, Tracy Joan Covington, Ph.D., is subject to disciplinary action
4 in connection with the care and management of patient J.H. The circumstances are as follows:

5 A. On or about April 12, 1994, respondent commenced rendering
6 psychological services to Patient J.H. at respondent's facility known as Bickford, Covington &
7 Associates. The patient suffered injury to his cervical spine in a work-related incident in about
8 January 5, 1994. In about March, the patient was diagnosed with "severe cervical spondylosis
9 C4-5, C5-6 and C6-7," among other things. The patient was referred to respondent for treatment
10 of severe depression caused by "work related pressures" and by the pain associated with the neck
11 injury. At respondent's facility, the patient was diagnosed with major and severe depression with
12 psychotic features, dysthymic disorder, anxiety disorder and borderline personality disorder.

13 From this date until about June 13, 1995, the patient made approximately 39 visits for treatment.
14 Respondent failed to generate and maintain accurate, clear and adequate notes of the sessions.

15 B. Thereafter, respondent continued to provide psychological services to the
16 patient until about 2001. The patient's history included a history of severe and recurrent child
17 abuse. The patient also had a history of alcohol abuse, pain medication abuse, paranoia and
18 severe depression. The patient's depressive episodes included suicidal ideation with three
19 documented attempts at suicide. He was hospitalized for a week because of his suicidal thoughts.
20 Sometime in 1994 or 1995, respondent became the patient's qualifying psychologist for the
21 patient's disability eligibility claims.

22 C. Also during this period, the patient continued to have pain in his neck. In
23 about 1995, 1997 and 2000, the patient underwent three separate cervical spine surgeries. These
24 did not relieve the patient of his neck pain. He was diagnosed with "intractable cervical neck
25 pain" and "cervical failed neck syndrome" by medical doctors. These physicians maintained the
26 patient on pain medication which included Darvocet, Propacet, Zoloft, Clonazepam, Klonopin,
27 Lorazepam, Arivan and Tylenol. During this period, respondent also continued to manage the
28 patient's pain through biofeedback and "weekly pain clinic sessions in the pool." In about May

1 1999, the patient was seen by a pain management specialist based on respondent's
2 recommendation. Respondent failed to maintain adequate and accurate records of the therapeutic
3 services during this period.

4 D. Sometime in 2000, respondent commenced to involve the patient in
5 respondent's "Amway" business. Respondent invited the patient to purchase Amway
6 products from her. Respondent sold Amway products such as vitamins, health food supplements
7 and "magnets" to the patient. Respondent told the patient that the products would help his pain
8 and protect his liver and kidneys. Respondent also encouraged the patient to sell Amway
9 products, and invited the patient to Amway "rallies" and to Amway promotional sessions held at
10 respondent's home. The patient was also forced to buy expensive Amway dinner-dance tickets
11 from respondent. The patient complied with respondent's requests to purchase and sell Amway
12 products out of fear that refusal would cause respondent to terminate the therapeutic relationship.

13 E. In about October or November 2000, the patient began to feel distressed
14 over respondent's solicitations. The patient felt respondent was exploiting the therapeutic
15 relationship by "pressuring" him into the Amway business. The patient saw another therapist to
16 assist him to deal with the distress.

17 8. Respondent Tracy Joan Covington, Ph.D., is subject to disciplinary action for
18 unprofessional conduct in that she engaged in gross negligence in violation of Code section
19 2960(j) in that:

20 A. Respondent engaged in an inappropriate dual relationship with patient J.H.
21 by involving the patient in her Amway business.

22 B. Respondent exploited the therapeutic relationship between her and patient
23 J.H. for respondent's financial gain.

24 C. Respondent engaged in undue influence and misuse of therapeutic power by
25 soliciting patient J.H. purchase and sell Amway products.

26 D. Respondent failed to generate accurate and adequate records of the
27 therapeutic services she provided to patient J.H.

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PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Psychology issue a decision:

1. Revoking or suspending Psychologist's License No. PSY 11392, issued to respondent Tracy Joan Covington, Ph.D.;

2. Ordering respondent to pay the Board of Psychology the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring;

3. Taking such other and further action as deemed necessary and proper.

DATED: January 16, 2003.


THOMAS S. O'CONNOR
Executive Officer
Board of Psychology
Department of Consumer Affairs
State of California

Complainant

EXHIBIT B

**BOARD OF PSYCHOLOGY**

1422 HOWE AVENUE, SUITE 22
SACRAMENTO, CA 95825-3200
(916) 263-2699
www.psychboard.ca.gov

**DRAFT**

Tracy Joan Covington, Ph.D.
511 Brookside Avenue
Redlands, CA 92373

RE: Psychology's License No. PSY 11392
Case Number W247

PUBLIC LETTER OF REPRIMAND

During a period in 2000, you engaged in an inappropriate dual relationship with a patient by involving the patient in your Amway business. Said conduct constitutes unprofessional conduct within the meaning of Business and Professions Code section 2960.

Pursuant to the authority contained in California Business and Professions Code section 495, you are hereby issued a Public Letter of Reprimand.

Thomas O'Connor
Executive Officer